

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

ASD SPECIALTY HEALTHCARE, INC., d/b/a
ONCOLOGY SUPPLY COMPANY
2801 Horace Shepard Drive,
Dothan, Alabama 36303,

Plaintiff,

v.

ONCOLOGY HEMATOLOGY CENTERS OF
ATLANTA, P.C.
465 Winn Way, Suite 231
Decatur, GA 30030,

and

LLOYD G. GEDDES
[REDACTED]
Decatur, GA 30030,

Defendants.

CIVIL ACTION NO.:
1:05-cv-591-MEF-SRW

SECOND AMENDED SUPPLEMENTAL DECLARATION OF FEES

COUNTY OF PHILADELPHIA :
: ss
COMMONWEALTH OF PENNSYLVANIA :

Shahan G. Teberian, Esquire, an adult individual, being duly sworn according to law, deposes and states as follows:

1. I am a partner at the law firm of Klehr, Harrison, Harvey, Branzburg & Ellers, LLP, which serves as counsel for the plaintiff ASD Specialty Health Care, Inc., d/b/a Oncology Supply ("ASD"), in the above-captioned action.

2. I am submitting this Second Amended Supplemental Declaration of Fees in accordance with the Court's direction.

3. The fees and costs incurred by ASD for services rendered by this firm through September 15, 2006 equal \$15,458.71, of which \$4,558.46 represents costs.



4. Of those costs, \$4,384.18 represents charges for fees paid to Burr and Forman, LLP, which will be submitting a separate declaration.

5. None of the \$11,074.53 balance incurred by this firm represents charges for duplicative work.

6. My partner, Morton Branzburg and I performed the services provided by this firm. Between April 2005 and December 2005, Mr. Branzburg's hourly rate was \$410.00 and my hourly rate was \$265.00. From and after January 2006, Mr. Branzburg's hourly rate was \$440.00 and my hourly rate was \$275.00.

7. These hourly rates were and are within the range of prevailing market rates in the Philadelphia legal community for similar services by lawyers of reasonably comparable skills, experience and reputation.

8. Attached hereto as Exhibits "A" and "B" respectively are the biographies of Mr. Branzburg and me.

9. Those biographies reflect that both Mr. Branzburg and I have significant experience in commercial litigation generally and creditors' rights specifically.

10. Additionally, Mr. Branzburg has an "AV" Peer Review Rating and I have a "BV" Peer Review Rating by the independent Martindale-Hubbell peer rating service. Attached hereto as Exhibit "C" is a printout from the Martindale-Hubbell website explaining the Peer Review Rating system.


11. I therefore respectfully submit that the hourly rates charged by Mr. Branzburg and me are reasonable for attorneys of our relative skills, experience and reputation.

12. Additionally, the charges billed by this firm represent charges for work that was reasonably necessary.

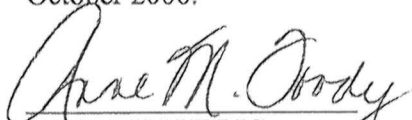
13. Attached hereto as Exhibit "D" is a general summary of the tasks performed, and of the approximate time billed to each of those tasks, as well as of costs incurred, for all bills issued to date.

14. I respectfully submit that this Court may utilize its own experience to determine the reasonableness of the hourly rates charged by Mr. Branzburg and me, of the hours spent on this matter, and of the costs charged.

I could testify competently as to these matters if called upon so to do. I make these statements upon penalty of perjury.


Shahan G. Teberian, Esquire

Sworn to and subscribed
Before me, this 19th day of
October 2006.


NOTARY PUBLIC

My commission expires: 2/27/09

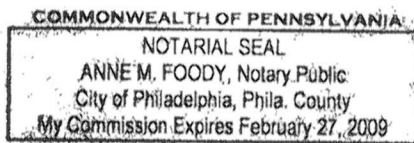


EXHIBIT "A"

Morton R. Branzburg
Partner



mbranzburg@klehr.com
Phone: 215.569.3007
Fax: 215.568.6603

Department:
Debtor-Creditor &
Insolvency

Office:
Philadelphia

Morton R. Branzburg is a founding member of Klehr, Harrison, Harvey, Branzburg & Ellers, LLP and is co-chair of its Debtor-Creditor & Insolvency Department. He represents international and national institutions as well as entrepreneurs in litigation, debtor-creditor matters, mergers and acquisitions and general corporate transactions.

In 2002, he was appointed by the Pennsylvania Supreme Court to serve a second term on the Court's Civil Procedure Rules Committee. He also is a lecturer on debtor-creditor matters.

Mr. Branzburg is also a ranked attorney by *Chambers USA*.

Mr. Branzburg's more recent noteworthy representations include:

Debtor/Creditor:

- Successfully represented Official Committee of Unsecured Creditors of a provider of acute care mental health services that resulted in a 100 percent recovery, plus interest, to unsecured creditors.
- Successfully represented Official Committee of Unsecured Creditors of a nursing home facility, resulting in a 100 percent recovery, plus interest, for all unsecured creditors.
- Successfully represented a variety of debtors in chapter 11 reorganization proceedings.
- Successfully represented international supplier of food products in bankruptcy of national retailers.
- Successfully represented



international distributor of pharmaceuticals as creditor in a bankruptcy case of a chain of pharmacies in which the distributor received payment in full of its outstanding debt.

- Represents banks and other lending institutions in workout and recovery phases of delinquent and non-performing loans.
- Represents the City of Philadelphia in all claims pending outside of the Eastern District of Pennsylvania.
- Represents Philadelphia International Airport in bankruptcies of TWA, Midway and National Airlines.

Corporate:

- Successfully represented the American owner of a Swiss resort in a sale to a German conglomerate.
- Successfully represented the American purchaser of an Italian manufacturer of lubrication equipment. The seller was in an insolvency proceeding in Italy.
- Successfully represented the purchaser of the assets of a chapter 11 debtor manufacturing grandstands for stadiums and sporting facilities.
- Represents start-up companies regarding their organization and entity formation.

Litigation:

- Successfully represented a major educational institution as the owner in litigation against contractors and architects who improperly designed and built a school.
- Successfully prosecuted a claim relating to improper

implementation of a software system.

- Successfully obtained an injunction enjoining former employees from competing with their former employer.

Activities:

- Member, Philadelphia and Pennsylvania Bar Associations
- Member, New Jersey Bar Association
- Member, American Bar Association
- Member, American Bankruptcy Institute
- Member, Eastern District of Pennsylvania Bankruptcy Conference
- Member, Robert Morris Association

Education:

- J.D. Temple University School of Law, *cum laude*, 1976
- B.A. George Washington University, 1973

Clerkships:

- 1976-1977 Law Clerk to Hon. Alex Bonavitacola (Past President Judge), Court of Common Pleas, Philadelphia County
- 1977 Law Clerk to Hon. Robert N.C. Nix, Chief Justice, Pennsylvania Supreme Court

Bar Admissions:

- Pennsylvania
- New Jersey
- Third Circuit



EXHIBIT "B"

Shahan G. Teberian
Partner



steberian@klehr.com
Phone: 215.569.1495
Fax: 215.568.6603

Department:

Litigation
 Debtor-Creditor &
 Insolvency

Office:

Philadelphia

Shahan G. Teberian concentrates his practice in commercial and business litigation. He has represented national and regional lending institutions, and major corporations, as well as closely-held corporations, partnerships, and individuals, in resolving a variety of business and contract disputes. Mr. Teberian has also represented those same clients in bankruptcy matters. In addition to handling all aspects of the litigation process, Mr. Teberian has extensive experience in commercial mortgage foreclosure and asset recovery. Mr. Teberian's representations include:

Debtor/Creditor:

- Representing banks and other lending institutions in the workout and recovery phases of delinquent and non-performing financing transactions;
- Defending banks and other lending institutions in actions brought pursuant to the Equal Credit Opportunity Act and in lender-liability actions;
- Restructuring financing transactions to ensure non-adversarial recovery of monies owed;
- Liquidating and recovering collateral assets;
- Representing commercial landlords in enforcement of their contractual rights;
- Representing equipment leasing companies in recovery of monies owed and equipment leased;
- Representing clients in various bankruptcy disputes;
- Representing unions in recovery of benefits owed to them;
- Representing national and regional



healthcare and pharmaceutical services companies in the recovery of delinquent accounts receivable.

Litigation:

- Representing clients in shareholder disputes and partnership disputes;
- Litigating defamation claims;
- Representing individual clients against securities brokers and brokerage firms for securities fraud;
- Representing an internet company against an automatic clearinghouse service in a multi-million dollar contract dispute relating to allegedly wrongful chargebacks and for lost business profits;
- Representing a management company in an action against a regional hospital for wrongful termination of a management agreement;
- Representing a local construction company against a national insurance company for breach of a settlement agreement;
- Representing two prominent regional charitable organizations in resolving various contractual disputes.

Real Estate:

- Documenting financial transactions secured by commercial real estate;
- Representing commercial landowners in real estate tax appeals;
- Litigating disputes arising from construction contracts;
- Litigating adverse possession claims.

Articles/Seminars:

- Faculty Member, "Judgment Enforcement in Pennsylvania," Lorman Educational Seminar,

November 2002, November 2003,
November 2005

- Faculty Member, "Advanced Judgment Enforcement in Pennsylvania," Lorman Educational Seminar, June 2004
- Faculty Member, "Confessed Judgments and Deficiency Judgments in Pennsylvania," Pennsylvania Bar Institute Seminar, August 2005

Activities:

- Former Judge of Elections, Southwestern First Precinct of Concord Township, Delaware County
- Member, Philadelphia and Pennsylvania Bar Associations
- Member, Board of Philadelphia Association of Christian Schools

Education:

- B.S. Saint Joseph's University, 1990 (Departmental Honors)
- J.D. Rutgers University School of Law-Camden, with high honors, 1993
 - Participant, Clinic-in-Law Program, as part time intern for the Honorable Jerome B. Simandle, United States District Court Judge for the District of New Jersey, 1992-1993
 - *Rutgers Law Journal*, Staff Member, 1991-92, and Symposium Editor, 1992-93
 - "Developments In State Constitutional Law: 1991 – Judicial Branch", 23 *RUTGERS L.J.* 789, 966 (1992)

Bar Admissions:

- Supreme Court of Pennsylvania
- Supreme Court of New Jersey
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the District of New Jersey
- United States Court of Appeals for the Third Circuit



EXHIBIT "C"



Lawyer Locator

Legal Articles

Peer Review Ratings

Introduction

» Explanation of Ratings

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Customer Service

Experts & Services

Peer Review Ratings - Explanation

An Explanation of the Peer Review Ratings Categories

There are two components to each Martindale-Hubbell Peer Review Rating:

1. General Ethical Standards Rating

The General Ethical Standards Rating denotes adherence to professional standards of conduct and ethics, reliability, diligence and other criteria relevant to the discharge of professional responsibilities.

The General Recommendation Rating is:

V - Very High

A lawyer must receive a General Ethical Standards Rating before his or her review can proceed to the next step.

2. Legal Ability Ratings

Legal Ability Ratings take into consideration the standard of professional ability in the area where the lawyer practices, the lawyer's expertise, and other professional qualifications. If a lawyer's practice is limited or specialized, Peer Review Ratings are based on performance in those specific fields of law.

Legal Ability Ratings are:

C - Good to High

B - High to Very High

A - Very High to Preeminent

When both categories of Peer Review Ratings are confirmed, a lawyer receives an **CV**, **BV** or **AV** Rating.

If a lawyer moves to a different state, his or her rating will appear in Martindale-Hubbell with the state abbreviation indicating that it was established in another state or province.

Peer Review Ratings reflect career development

A lawyer's Peer Review Rating will generally improve over time. But Peer Review Ratings can be revised downward, or even removed if a decline is noted in ability or ethical standards.

CV® Peer Review Rating — The CV is a good first rating for lawyers and a definitive statement of their above-

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Counsel to Counsel Forums

eAttorney

LexisNexis®

lexisONE® for Small Firms

average ability and unquestionable ethics. This is the maximum rating a lawyer can receive who has been admitted to the bar from 3-4 years.

BV® Peer Review Rating — The BV is an excellent rating for a lawyer with more experience. This is the maximum rating a lawyer can receive who has been admitted to the bar from 5-9 years.

AV® Peer Review Rating — An AV rating is a significant accomplishment - a testament to the fact that a lawyer's peers rank him or her at the highest level of professional excellence. A lawyer must be admitted to the bar for 10 years or more to receive an AV rating.

Inquiries

Questions about the Peer Review Ratings system can be sent by email to ratings@martindale.com.

or by mail to:

Peer Review Rating Services
LexisNexis Martindale-Hubbell
121 Channon Road
New Providence, NJ 07974

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EXHIBIT "D"

SUMMARY OF CHARGES

A. TIME

April 2005

1.15 hrs @ \$410/hr
0.25 hrs @ \$265/hr

Initial file review and preparation of demand letter.

May 2005

1.05 hrs @ \$265/hr

Drafting of complaint.

June 2005

0.50 hrs @ \$410/hr
0.25 hrs @ \$265/hr

General monitoring of account.

July 2005

2.55 hrs @ \$410/hr

Various discussions with defendant and review of defendant's answer to complaint.

August 2005

3.10 hrs @ \$410/hr
4.50 hrs @ \$265/hr

Prepare report of parties' planning meeting, draft forbearance agreement and related documents.

September 2005

1.90 hrs @ \$410/hr

Various telephone calls and correspondence with defendant re: potential forbearance and lawsuit.

October 2005

1.40 hrs @ \$410/hr

Review issues and papers relating to motion for default judgment.

November 2005

No time charged.

December 2005

0.70 hrs @ \$410/hr

Review R.26(f) pre-trial order and letter to defendant re: same.

January 2006

0.80 hrs @ \$440/hr

Telephone conference with court re: pro hac vice issues and preparation of initial disclosures.

February 2006

0.80 hrs @ \$440/hr

0.30 hrs @ \$275/hr

General monitoring of action.

March 2006

0.35 hrs @ \$440/hr

1.80 hrs @ \$275/hr

Preparation of discovery requests and review scheduling order.

April 2006

2.00 hrs @ \$440/hr

0.50 hrs @ \$275/hr

Review of discovery responses. Settlement negotiations.

May 2006

0.80 hrs @ \$440/hr

0.50 hrs @ \$275/hr

Review court opinion re: default judgment and discovery responses. Correspondence with defendants' counsel re: defendants' financial information.

June 2006

0.70 hrs @ \$440/hr

0.70 hrs @ \$275/hr

Review motion of defense counsel to withdraw and issues related to same. Draft objection to motion to withdraw. Review issues re: amendment of complaint. Review motion to amend complaint.

July 2006

0.30 hrs @ \$440/hr

1.30 hrs @ \$275/hr

General monitoring of action. Draft affidavit for client. Review default papers.

August 2006

1.00 hrs @ \$440/hr

0.40 hrs @ \$275/hr

Prepare declaration of fees. Review motion for sanctions and motion to withdraw. Review court order. Monitor status of action.

B. COSTS (Not Including Burr & Forman Fees)

Photocopying:	\$51.20
Filing Fees:	\$36.75
Telecopier:	\$ 4.88
Long Distance Telephone:	\$28.41
Pacer:	\$ 2.40
Good Standing Certificate:	\$15.00
Express Delivery:	\$35.24